

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

KIM CAMILLE FLORENCE,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 4:23-cv-125-CDL-AGH
	:	
Sheriff GREG COUNTRYMAN,	:	
	:	
Respondent.	:	
_____	:	

ORDER

On March 22, 2024, Respondent filed a motion to dismiss (ECF No. 41) Petitioner’s recast habeas petition filed pursuant to 28 U.S.C. § 2254 (ECF No. 23). On May 28, 2024, the Court received a “response” from Petitioner in which she indicated that she had received the Court’s notification of the motion to dismiss, but that she had not received the “actual” motion to dismiss. Pet’r’s Resp. 2, ECF No. 50.

In light of Petitioner’s failure to receive Respondent’s motion to dismiss, Respondent is **DIRECTED** to re-serve a copy of the motion to dismiss on Petitioner and to file a certificate of compliance with the Court **within seven (7) days** of the date of this Order. **No later than November 1, 2024**, Petitioner should submit her response to the motion to dismiss. Once the Court receives Petitioner’s response, Respondent may file any desired reply, including any supporting documentation, within fourteen (14) days.

Petitioner is advised that she should specifically address, as concisely as possible, Respondent's arguments that Petitioner failed to exhaust her state remedies, and that the relief Petitioner seeks is barred pursuant to *Younger v. Harris*, 401 U.S. 37 (1971), because those two issues are the only issues before the Court at this stage of the proceedings. If Petitioner fails to respond to and rebut Respondent's arguments, the Court could accept those arguments as being accepted and uncontested, and Respondent's motion to dismiss could be granted. If that were to happen, there would be no further proceedings on Petitioner's habeas application. Should Respondent's motion to dismiss be denied, Petitioner will have an opportunity to make arguments regarding the merits of her habeas application.

SO ORDERED and DIRECTED, this 24th day of September, 2024.

s/ Amelia G. Helmick
UNITED STATES MAGISTRATE JUDGE